

LINCOLN PLANNING BOARD

APRIL 27, 2011

APPROVED

The regular meeting of the Planning Board was held on Wednesday, April 27, 2011, at the Lincoln Town Hall, 100 Old River Road, Lincoln, Rhode Island.

Chairman Olean called the meeting to order at 7:00 p.m. The following members were present: Gerald Olean, Kenneth Bostic, Michael Reilly, Timothy Griffin, Jeffrey Delgrande and John Hunt. Also in attendance were Town Solicitor Anthony DeSisto, Town Planner Al Ranaldi and Town Engineer Laszlo Siegmund. Russell Hervieux kept the minutes.

The following member was absent from this meeting: Wilfred Ordonez. A letter of resignation from member Ordonez was received by the Town Council and forwarded to the Board.

Chairman Olean advised that six members were present; have quorum.

CONSENT AGENDA

Chairman Olean reminded members that the consent agenda has a total of two zoning applications, (3) decisions and staff reports. A

consent agenda is normally voted on in total unless a member motions to remove an item.

Chairman Olean removed item 10(f) “Rhode Island Stormwater Design and Installation Standards Manual” from the consent agenda per the request of Town Planner Al Ranaldi.

Motion was made by member Bostic to accept the consent agenda as amended to remove item 10(f) was seconded by member Hunt. Motion was approved by all members present.

MAJOR SUBDIVISION REVIEW

a. Lincoln Meadows II AP 45 Lots 181 & 437 Preliminary Plan Modification

Angellin, LLC Angell Road Discussion/Approval

Al Ranaldi stated that this application has been reviewed and approved by this Board. This application represents a modification of the preliminary plan. The applicant has eliminated the sewer pump station and proposed a cross country gravity sewer line. The Town prefers gravity lines with no pump stations. This gravity line has been reviewed by the Town Engineer and has a few minor conditions.

The applicant would need a modified wetlands permit. The TRC recommends approval with conditions as listed in the TRC report. The Town Engineer has rectified any concerns he had with the plan

with two conditions. The first condition is that when the developer is ready to turn the sewer line over to the Town, the line must be flushed and cleaned first. The second condition is that at the developer's expense, the Town hires a third party engineering company to oversee the installation of this gravity sewer line.

John Shekarchi, attorney for the applicant, made a brief presentation to the Board. Mr. Shekarchi stated that the two principles for Angellin, LLC are present along with the engineer. The applicant is aware of the conditions listed in the TRC report and is happy to meet them all. The easements have been executed and Mr. Shekarchi is working with the Town Solicitor along with National Grid to finalize them. Chairman Olean reminded Mr. Shekarchi that there are four conditions. The conditions are: (1) to flush septic lines prior to Town acceptance (2) Town will contract a third party engineer to monitor the installation of the sewer line (3) record executed easements for the sewer line (4) submit modified approved wetlands permit. Mr. Shekarchi had no issues with the conditions. Mr. Shekarchi asked if the Board would consider letting the applicant phase this project. Chairman Olean suggested that they introduce that idea at the preliminary plan meeting.

Motion made by member Bostic to grant preliminary plan approval with the two conditions listed in the TRC report and add (1) sewer lines to be flushed and cleaned prior to Town acceptance and ownership (2) Town will contract, at applicants expense, a third party

engineering firm to monitor the installation of the sewer line and supply an acceptance report. The motion was seconded by member Hunt. Motion was approved by all members present.

MINOR SUBDIVISION REVIEW

a. George Minor Subdivision AP 23 Lot 196 Preliminary Plan

Raymond & Sonja George Ducarl Drive & Boxwood Rd. Discussion/Approval

Mr. Ranaldi stated that this is an application for a minor subdivision reviewed under the 2005 subdivision regulations. This application represents the subdivision of one lot into two residential lots. Both lots are to have access from existing roadways. The applicant received a certificate of completeness on April 18, 2011 and the Board has until June 22, 2011 to make a decision. The TRC reviewed the application and found no issues with it. The original lot was approximately 21 acres and the applicant is proposing to cut off a lot of approximately 7 acres in a RA-40 zone. The new lot would be accessed from Boxwood Road and the existing lot is accessed from Ducarl Drive. The Lincoln Water Commission is requesting a twenty foot easement running along the property line from Boxwood Road to Ducarl Drive for future installation of a water main to connect two dead end lines. The TRC recommends approval with conditions as noted in the TRC report. The TRC also recommends that final plan approval be delegated to the Administrative Officer.

Warren Roinessrer, engineer for the applicant, made a brief presentation to the Board. Chairman Olean asked if Mr. Roinessrer has reviewed the conditions of approval and if he is all set with them. Mr. Roinessrer replied that he spoke to his client and they are fine with the conditions. Mr. Roinessrer is well aware of the time constraints that go along with the conditions.

Motion made by member Griffin to approve preliminary plan as presented with the conditions listed in the TRC report and delegate final approval to the Administrative Officer. Motion was seconded by member Reilly. Motion was approved by all members present.

PETITION FOR AMENDMENT TO ZONING MAP

a. 1 and 3 Wake Robin Road AP 28 Lot 10 Recommendation to Town Council

SAF Properties, Inc. Wake Robin Road

Mr. Ranaldi stated that the applicant is not present but he can speak for the application. This application is for a recommendation to go to the Town Council. The applicant has owned the property for a number of years. The property is split zoned where some is zoned residential. However, the ordinance dictates that wherever the building is placed is the zone that prevails. In this case it is the BL-0.5 zone. This application is to clean up the zoning on this piece of property which currently has all commercial buildings. This

application would eliminate the RG-7 zone which comes onto this property by about 100 feet. This would make this property completely in the BL-0.5 zone which suits the businesses that currently exist. The TRC reviewed the application against section 20-342 and 343 which is in the Code of Ordinances. This zone change application does have a statement of consistency with the comprehensive plan. The application meets all of the items that are applicable in the above mentioned article of the Code of Ordinances. Mr. Ranaldi wrote up a draft recommendation for the Board to consider if they choose to send a positive recommendation.

Motion made by member Hunt to send a positive recommendation of the zone change to the Town Council was seconded by member Delgrande. Motion was approved by all members present.

RECOMMENDATION TO TOWN COUNCIL

a. 2011 Community Development Block Grant Application (CDBG) Discuss/Approve

Mr. Ranaldi stated that this is a yearly presentation of what the Town is proposing to submit to the State CDBG program. Each year the Town is eligible to submit \$400,000 worth of projects. The Town usually receives approximately \$90,000 - \$100,000 worth of projects. The Town Planner now has the responsibility of this department. We have put together approximately \$100,000 worth of projects focusing

on our Family Literacy Center, housing rehabilitation program, Manville sidewalks upgrades and economic development. All of the requests for funding are consistent with the comprehensive plan. The Town will be applying for approximately \$150,000. The Board looks at the concept only and not the dollar value and bases their recommendation on the concept.

Motion made by member Griffin to send a positive recommendation to the Town Council for the CDBG grant application was seconded by member Hunt. Motion was approved by all members present.

SECRETARY'S REPORT

The Board was given two sets of minutes to review. They are for December 15, 2010 and January 26, 2011. The Town Planner Al Ranaldi stated that he has reviewed these minutes.

Motion made by member Reilly to dispense with the reading of the December 15, 2010 minutes was seconded by member Bostic. Motion was approved by all members present.

Motion made by member Griffin to accept the December 15, 2010 minutes as presented was seconded by member Delgrande. Motion was approved by all members present.

Motion made by member Reilly to dispense with the reading of the

January 26, 2011 minutes was seconded by member Griffin. Motion was approved by all members present.

Motion made by member Griffin to accept the January 26, 2011 minutes as presented was seconded by member Hunt. Motion was approved by all members present.

CORRESPONDENCE/MISCELLANEOUS

f. Rhode Island Stormwater Design and Installation Standards Manual

This document has been approved by RIDEM in January of 2011. The Town Public Works and Engineering departments have attended seminars given by RIDEM. RIDEM has come up with a 456 page book of low impact design standards for storm water runoff. The manual is a guide when designing a subdivision to not clear cut the entire parcel and to employ techniques like rain gardens for water quality. The design is the responsibility of the developer however it is the responsibility of the Town to make sure it is followed. The bad part of this process is there is no way to regulate once the property is sold to the homeowner. The Town will be forced to insist on the installation of drywells for roof runoff. An approved sedimentation and erosion control plan will be required at building permit stage. The Town wanted to bring these points out at a public meeting to not surprise the public at building permit stage.

Motion made by member Reilly to adjourn at was seconded at 7:42 pm by member Delgrande. Motion was approved by all members present.

Respectfully submitted,

Russell Hervieux

Technical Review Committee Report

On April 18, 2011 at 3:00 pm, the Technical Review Committee met to review the agenda items for the April 27, 2011 meeting of the Planning Board. In attendance were Al Ranaldi, John Faile, Michael Gagnon, Laszlo Siegmund, Russell Hervieux, Michael Reilly, and Peggy Weigner. Below are the Committee's recommendations.

Major Subdivision Review

a. Lincoln Meadows II AP 45 Lots 181 & 437 Preliminary Plan Modification - Angellin, LLC Angell Road Discussion/Approval

This application is under the 2001 Subdivision Regulations and represents the development of 20 residential lots. Approximately two

of the proposed houses would require a private forcemain in order to access the public sewer line in the roadway. A pumping station would also be required for the entire development. This application is to eliminate the proposed pumping station and replace it with a gravity line running through an easement of an abutting lot that is not under the ownership of the developer.

The following plans and documents were received and reviewed by the Engineering Department: "Lincoln Meadows II, modification to Major Subdivision (Sewer Layout), revised up to August 30, 2010. The TRC also reviewed a proposed Assent Agreement. This document is not executed. Below are the comments of the Technical Review Committee.

Easements

The modified sewer layout utilizes abutting lands not under the ownership of the developer. Before a modification of Preliminary Plan Approval can be granted, the developer shall present executed easements or a letter indicating that all parties are in favor of the easement which will be forthcoming. The easement shall have wording, to the satisfaction of the Town Solicitor, which allows for the conveyance of rights and ownership of the sewer line to the Town. The easement shall also specify the rights and limitations of the Town, developer and landowner within the Narragansett Electric Company's portion of the easement. All easements shall be a minimum of twenty feet in width. All lots, existing and proposed, in which an easement traverses shall be re-evaluated as to the buildable

lot area and their conformance to the Zoning and Subdivision regulations.

Sewer Line Extension

The sewer line slope is designed at the minimum recommended slope according to standard engineering practices. The Town Engineer and the TRC still have some concerns regarding the flows and velocity of the proposed sewer line. These concerns will be addressed by the engineer in a meeting scheduled for Monday, April 25, 2011. The Town Engineer will report the conclusions of this meeting at the Planning Board meeting.

Wetlands

A modified wetlands permit and approved stamped plans from the RIDEM are required as a condition of the modification approval. The RIDEM will not review the plans until the Town approves the modification. However, the applicant has assured the Town that they will be able to receive a modified wetlands permit.

Based on the Preliminary Plan modification submission and the TRC review, the Technical Review Committee feels that the applicant can easily address any remaining concerns with the easement language. If the Town Engineer is satisfied with the design of the proposed gravity sewer line, the TRC recommends Preliminary Plan Modification Approval with Conditions. The conditions are as follows:

- 1. Record an executed easement that shall have wording, to the satisfaction of the Town Solicitor, which allows for the conveyance of rights and ownership of the sewer line to the Town. The easement shall also specify the rights and limitations of the Town, developer and landowner within the Narragansett Electric Company's portion of the easement.**
- 2. Modified wetlands permit and approved stamped plans from the RIDEM.**

If the Town Engineer is not satisfied with the design of the proposed gravity sewer line, the TRC recommends that the applicant resolve any outstanding issues and come back to the Planning Board in May for further review and possible approval.

Minor Subdivision Review

- a. George Minor Subdivision AP 23 Lot 196 Preliminary Plan Discussion/
- Raymond and Sonja George Ducarl Dr and Boxwood Rd Approval**

This application is under the 2005 Subdivision Regulations and represents the subdivision of one lot into two residential lots. All lots are accessed from existing roadways. The proposed project is classified as a Minor Subdivision. On April 18, 2011, the Preliminary Plan submittal received a Certificate of Completeness. According to our Subdivision Regulations – Section 14(G), “if no street creation or extension is required, the Planning Board shall approve, deny, or

approve with conditions, the preliminary plan within sixty-five (65) days of certification of completeness, or within such further time as is agreed to by the applicant and the Board, according to the requirements of Section 8 herein. Therefore, a decision on the Preliminary Plan review must be made by June 22, 2011 or within such further time as may be consented to by the applicant.

The Technical Review Committee reviewed the above proposed subdivision according to the 2005 Land Development and Subdivision Regulations preliminary plan submission standards and requirements and standard engineering practices. The submission includes a plan set entitled "Minor Subdivision" AP 23 Lot 196, Ducarl Drive and Boxwood Road, Lincoln, Rhode Island, prepared for Raymond and Sonja George, 27 Ducarl Drive, Lincoln, RI and prepared by Resource Controls dated March 18, 2011. The plan set contains six sheets. A letter from Resource Controls dated March 15, 2011 was received. A copy of the Site Evaluation Form – Part A – Soil Profile Description no date on document was received. Below are the Technical Review Committee's comments.

Site plan

The original lot is 20.17 acres and is zoned RA-40. The proposed residential lot will be accessed from Boxwood Road and will contain 7.59 acres. The original lot is accessed from Ducarl Drive and will be reduced to 12.58 acres. No new public roadways are required.

Utilities

The new lot is shown to be connected to public water and sewer found in Boxwood Road. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharges from the proposed residential lot. Narragansett Bay Commission permits are required as a condition of preliminary plan approval. The proposed sewer line will be considered private from the edge of the roadway on Boxwood to the proposed dwelling. A recorded sewer easement through the utility easement is required at the building permit stage. Public water is available. The Lincoln Water Commission (LWC) requests that the applicant grant a twenty foot easement running along the property line from Boxwood Road to Ducarl Drive. This easement will enable the LWC to loop the public water system in the future. Currently, there is a dead end water service line in Boxwood Road and another dead end water service line in Ducarl Drive. This easement is required as a condition of preliminary plan approval.

Site Plan

Per the Town ordinance, a sedimentation and erosion control plan must be submitted and approved before any construction or earth disturbance is performed on the proposed house lot. This plan will be required at the building permit stage. There is no apparent proposed disturbance of any wetlands shown on the plans. The TRC recommends that drywells be installed for the new house as a condition of the subdivision approval. The type and precise location of the drywells can be determined at the building permit application phase.

Record plan

Granite bounds must be shown marking the location of the new property corners.

Based on the Preliminary Plan submission, the Technical Review Committee recommends Approval with Conditions of this Minor Subdivision Preliminary Plan application. The following are the conditions of Preliminary Plan approval. These conditions will have to be satisfied before final plan can be recorded and the lots can be sold.

- 1. The applicant must obtain a permit from Narragansett Bay Commission for new sewer discharges.**
- 2. A recorded sewer easement through the utility easement is required at the building permit stage.**
- 3. Granite bounds must be installed marking the location of the subdivision corners.**
- 4. The applicant grants a twenty foot (20) easement running along the property line from Boxwood Road to Ducarl Drive. This easement will enable the LWC to loop the public water system in the future.**
- 5. Drywells are recommended as a condition of the subdivision approval. The type and precise location of the drywells can be determined at the building permit application phase.**
- 6. A sedimentation and erosion control plan must be submitted and approved for each house before any construction or earth**

disturbance is performed. This plan will be required at the building permit stage.

The TRC recommends that final plan approval be delegated to the Administrative Officer.

The TRC would like the applicant to be aware that according to the Town of Lincoln's Subdivision Regulations, the vesting period for a minor plan shall expire ninety (90) days from the date of approval unless within such period a plat or plan is submitted for signature and recording, in conformity with such approval, and as defined in these regulations in Section 9. Validity may be extended for a longer period, for cause shown if requested by the applicant in writing prior to the expiration of the period, and approved by the Planning Board. All required improvements shall be completed within one (1) year of the date of final approval. The Planning Board may, for good cause shown, and subject to the provisions of regulations for the reinstatement or extension of applications, extend the period of time for completion of all required improvements, if requested by the applicant in writing.

Petition for Amendment to Zoning Map

a. 1 and 3 Wake Robin Road AP 28 Lot 10 Recommendation to Town

- SAF Properties, Inc. Wake Robin Road Council

The applicant seeks a zone change of a portion of the above referenced property (AP28 Lot 10) from RG-7 to BL-0.5. Currently, this property is divided by a zoning boundary between RG-7 and BL-0.5. The use of the property is commercial and complies with our zoning regulations. This application will clear up the existing zoning on this property to represent a parcel of land completely zoned BL-0.5.

The Technical Review Committee reviewed the submitted application according to Section 20-343 of the Code of Ordinances. The TRC recommends that a positive recommendation be offered to the Town Council. In general, the TRC feels that this zone change is minor in nature. The parcel as well as the surrounding area has been developed in accordance with the uses permitted in a BL-0.5 zone. This proposal will clear up what looks to be an administrative oversight. A detailed analysis of this proposed zone change is included in your packets.

Recommendation to Town Council

a. 2011 Community Development Block Grant Application (CDBG) Review / Discuss / Approve

According to the requirements of the State's Community Development Block Grant program, each city and town's yearly application must be reviewed by the Planning Board for consistency with a community's Comprehensive Plan. A copy of the 2011 CDBG active summary sheet is included in your packet. This year's

application is very similar to other years. The proposed projects focus on our housing rehabilitation program and the programs offered by the Family Literacy Center. This year the Family Literacy Center has proposed several activities geared towards helping adults gain the basic skills to re-enter the work force.

The Technical Review Committee reviewed the 2011 CDBG active summary sheet and feel that the activities are consistent with the Comprehensive Plan. The TRC recommends to the Planning Board that they send a positive recommendation stating that the proposed activities are consistent with the Comprehensive Plan to the Town Council.

Zoning Applications (*) – May's Zoning Applications

Michael Chen, 127 Massachusetts Avenue, Providence, RI/The Lucky Chen's Corp 2, 127 Massachusetts Avenue, Providence, RI – Application for Special Use Permit for the expansion of 2nd floor of existing non-conforming restaurant on property located at 614 Smithfield Avenue, Lincoln, RI.

AP 6, Lot 16 Zoned: VCMU

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval with Conditions of the Special Use Permit for the expansion of a 2nd floor restaurant. A restaurant currently exists on the first floor. The Technical Review Committee

feels that the special use permit will not alter the general character of the surrounding area and will not impair the intent and purpose of the zoning ordinance and the Comprehensive Plan. However, the TRC feels that exterior site improvements are needed to create a safer flow of vehicular traffic around the property. The TRC recommends that the proposed parking spaces be striped. Striping the spaces will define the parking area. This can be a condition of approval.

Michael Chen, 127 Massachusetts Avenue, Providence, RI/The Lucky Chen's Corp 2, 127 Massachusetts Avenue, Providence, RI – Application for Dimensional Variance for parking to vary from street ordinance, side and rear setbacks due to unique position and dimensions of lots and loading for property located at 614 Smithfield Avenue, Lincoln, RI.

AP 6, Lot 16 Zoned: VCMU

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Approval with Conditions of a Dimensional Variances for parking to vary from the street ordinance, side and rear setbacks due to unique position and dimensions of the existing lot and a variance from the loading ordinance for property. A restaurant currently exists on the first floor of this building. The applicant proposes to expand the restaurant use to the 2nd floor. The Technical Review Committee feels that the expanded restaurant use will not alter the general character or function of the property or

surrounding area. However, the TRC feels that exterior site improvements are needed to create a safer flow of vehicular traffic around the property. The TRC recommends that the proposed parking spaces be striped. Striping the spaces will define the parking area. This can be a condition of approval. The Technical Review Committee finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

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Administrative Officer to the Planning Board